



Statement on behalf of the European Union and its Member States

by

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***at the Special Committee on the Charter of the United Nations and on the
Strengthening of the Role of the Organization***

United Nations

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Madam Chair,

I have the honour to speak on behalf of the European Union and its Member States.

The Candidate Countries the Republic of North Macedonia*, Montenegro* and Albania*, the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina, as well as Ukraine, the Republic of Moldova, and Georgia, align themselves with this statement.

At the outset, we would like to congratulate you and the other members of the Bureau on your election. We also take this opportunity to thank the staff of the UN Secretariat for the assistance in preparing this meeting.

Madam Chair,

General Assembly resolution 74/190 of 30 December 2019 requests the Special Committee to continue its consideration of a number of proposals and issues.

1. With regard to the agenda item "*Maintenance of international peace and security*", we continue to believe firmly that sanctions are an important tool under the Charter for ensuring the maintenance and restoration of international peace and security. Sanctions are imposed in a targeted way to increase their efficiency and attain the agreed objectives while minimising their unintended impact upon the well-being of the civilians of the targeted States as well as upon third parties. It is crucial that sanctions are implemented in full compliance with international human rights law, by ensuring that sanctions procedures are fair and clear and respect the rights of sanctioned persons, including due process rights such as the right to be informed and the right to an effective review of their designation. In this regard, we underline the important role of the Ombudsperson to the ISIL (Da'esh) and Al-Qaida sanctions Committee and the need for the United Nations Security Council to enhance its due process standards in the implementation of all sanctions regimes.

When designing and implementing sanctions, we must take into account the potential effect of those measures on exclusively humanitarian activities that are carried out by impartial humanitarian actors in a manner consistent with international humanitarian law, in particular in high-risk and fragile contexts where their assistance is greatly needed. We further reiterate that all measures to counter terrorism must comply with Member State obligations under international law, including international humanitarian law, international human rights law and international refugee law and that further exemptions or protection measures could be envisaged on a case by case basis, to mitigate negative impacts on humanitarian activity.

We welcome growing awareness within the UN system of implementation issues and the addressing of these issues through further training, increased transparency and responsive sanctions committees providing guidance on implementation. We also welcome the increasing dialogue between the UN and the private sector on sanctions and the Best Practices Guidelines project. The latter provides positive evidence of the increased interest in sanctions by the UN community. In this respect, we further welcome and are looking forward to the annual briefing by the Secretariat later this session on the issues covered by the document contained in the Annex to

* *The Republic of North Macedonia, Montenegro, Serbia and Albania continue to be part of the Stabilisation and Association Process.*

General Assembly resolution 64/115 of 16 December 2009 entitled "Introduction and implementation of sanctions imposed by the United Nations"

We note again that some proposals identified in the report of last year's session have been discussed for several years. Most of the proposals identified in the report of the Special Committee are duplicative of revitalizing efforts taking place within other fora of the Organisation, or do not seem to represent an added value. We reiterate that the relationship between the different organs within the UN system is adequately defined in the UN Charter and does not need further clarification by this Committee.

Concerning Ghana's proposal entitled "*Working paper by Ghana on strengthening the relationship and cooperation between the United Nations and regional arrangements or agencies in the peaceful settlement of disputes*", we thank Ghana for their further revised working paper. We remain ready to continue contributing to the discussion and considering how the proposals could be pursued, provided that this work does not duplicate or prejudge discussions in other fora where these matters are already dealt with, in particular in terms of financing of peace-keeping operations.

2. Turning now to the "*Question of the implementation of the provisions of the Charter relating to assistance to third States affected by the application of sanctions*", we note, based on the related reports of the Secretary-General, in particular report A/74/152, that there continued to be no assessment reports concerning the likely or actual unintended impact of sanctions on third States. We think that it is also worth mentioning that these reports underlined that the shift from comprehensive to targeted sanctions has significantly reduced the possibility of unintended adverse impacts on third States which has reduced accordingly the need to explore practical and effective measures of assistance to third States affected by sanctions.

3. With regard to the agenda item "*Peaceful settlement of disputes*", we stand ready to contribute to the first annual thematic debate which will focus this year on conciliation. On the question of updating the "*Handbook on the Peaceful Settlement of Disputes between States*" prepared by the UN in 1992 and of establishing a UN website dedicated to this issue, we remain unconvinced about the added value of such efforts. Multiple resources and legal tools are already available online and easily accessible through search engines. We therefore call for proper prioritization of the limited resources allocated to the Secretariat so as to avoid a duplication of efforts.

4. It is for this reason that we again urge the Special Committee to implement its 2006 decision on reforming its "*working methods*", as reflected in paragraph 3 (e) of General Assembly resolution 74/190 of the General Assembly. This is indeed, as stipulated in that provision, a priority issue and we should work together to explore ways and means to achieve the best use of resources and of the meetings of the Committee. This could be done by reviewing all existing agenda items, looking into the usefulness of further discussion, taking into account their continued relevance and the likelihood of reaching a consensus in the future, before examining proposals for new items, or by re-examining the duration of the sessions of the Committee. This remains a priority issue for the EU and its member States and we look forward to continuing constructive engagement on this matter.

5. We look forward to the briefing to be delivered by the UN Secretary-General on the "*Introduction and implementation of sanctions imposed by the United Nations*".

6. Under the item "*New subjects for consideration*", we take note of the proposals put forward by Mexico, Iran and Syria. On the Mexican proposal itself, we would like to reiterate that we doubt that the Charter Committee is the appropriate forum to address the issues which would arise under such

proposal. We would also like to stress that, due to the recent distribution of the proposals, we have not yet had time to study the proposals put forward by Iran and Syria.

7. Finally Mr./Madam Chair, regarding the "*Repertory of Practice of United Nations Organs and Repertoire of Practice of the Security Council*", we welcome the progress and the efforts undertaken by the Secretariat to reduce the backlog in the preparation of those two publications. We express our gratitude to the States that have made voluntary contributions to the trust fund for the elimination of the backlog in the Repertory, and to the trust fund for the updating of the Repertoire, and encourage other Member States to do likewise.

I thank you, Madam Chair.